

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

GILBERT E. TORRES, JR.,

Petitioner,

v.

No. CIV 10-1199 JB/LAM

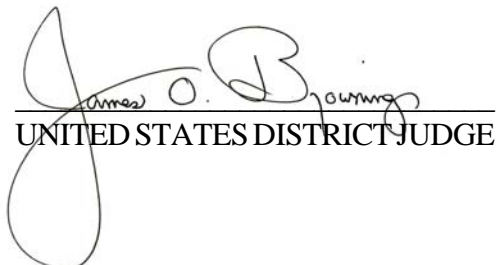
ANTHONY ROMERO,

Respondent.

**ORDER DENYING CERTIFICATE OF APPEALABILITY**

**THIS MATTER** comes before the Court on the Court's Final Judgment, filed August 24, 2011 (Doc. 13) and pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, which states that "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." The Court finds that Petitioner Gilbert E. Torres has failed to make a substantial showing of a denial of a constitutional right and, therefore, a certificate of appealability should be denied. This denial may not be appealed, but Mr. Torres may seek a certificate of appealability from the Tenth Circuit Court of Appeals under Rule 22(b) of the Federal Rules of Appellate Procedure. Furthermore, a motion to reconsider this denial does not extend the time to file a notice of appeal under Rule 4(a) of the Federal Rules of Appellate Procedure.

**IT IS ORDERED** that no certificate of appealability shall issue.

  
UNITED STATES DISTRICT JUDGE

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